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24. (New) The method of claim 19, wherein the act of determining comprises testing for available packet sizes for transmitting the data.

### REMARKS

In an Office Action mailed on June 13, 2001, an objection was made to the drawings; claims 1, 3-5, 7, 9-11, 13, 15, 17 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Thro; and claims 2, 6, 8, 12, 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thro. These rejections are discussed in the corresponding sections below.

#### Objection to the Drawings:

The Examiner objected to the drawings due to the element "driver program 13." However, Fig. 3 does not contain a reference to the driver program 13. Therefore, the Assignee requests clarification of this rejection. It is noted that the depictions of the driver 13 in Fig. 1 and the driver 23 in Fig. 2 are correct.

#### Rejections of Claims 1-6:

The method of claim 1 includes determining whether it is possible to transmit data at a requested resolution and a requested frame rate.

In contrast, although Thro teaches selecting a priority between a transmission frame rate and a resolution per frame, Thro neither teaches nor suggests the act of determining whether it is possible to transmit data at a requested resolution and a requested frame rate. (emphasis added). In this manner, the mobile device of Thro does not consider a requested resolution and does not consider a requested frame rate. Thus, Thro neither teaches nor suggests making such a determination, and thus, for at least this reason, the Assignee requests withdrawal of the § 102 rejection of claim 1. Claims 2-6 are patentable for at least the reason that these claims depend from allowable claims.

#### Rejections of Claims 7-12:

The article of claim 7 includes a processor readable storage medium that includes instructions to cause a processor to determine whether it is possible to transmit data between a

camera and a computer at a requested resolution and a requested frame rate. See discussion of claim 1 above. In particular, Thro neither teaches nor suggests instructions that cause a processor to determine whether it is possible to transmit data between a camera and a computer at a requested resolution and a requested-frame rate. Thus, for at least this reason, the Assignee requests withdrawal of the § 102 rejection of claim 7. Claims 8-12 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 13-18:

The computer system of claim 13 includes a computer to determine whether it is possible to transmit data at a requested resolution and frame rate. As discussed above, Thro neither teaches nor suggests this limitation. Thus, for at least this reason, the Assignee requests withdrawal of the § 102 rejection of claim 13. Claims 14-18 are patentable for at least the reason that these claims depend from an allowable claim.

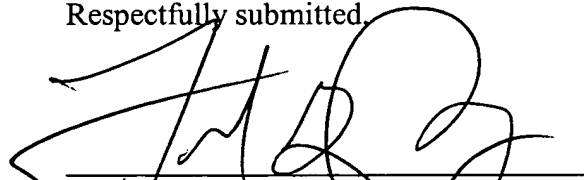
CONCLUSION

In view of the foregoing, the Assignee requests withdrawal of the objection to the drawings, withdrawal of the §§ 102 and 103 and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 20-1504 (INTL-0045-US).

Respectfully submitted,

Date:

6/30/01

  
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